

415-222-7810



United States Department of the Interior



OFFICE OF THE SECRETARY  
OFFICE OF ENVIRONMENTAL AFFAIRS  
POST OFFICE BOX 649  
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DATE: 6/25/91 NUMBER OF PAGES TO FOLLOW: 6

FAX NUMBER: FTS 484-1916

TO: ROB BORNSTEIN

FROM: RAY CHURAN

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EXPLANATIONS ON CHANGES.

United States Environmental Protection Agency Washington, DC 20460		1. EPA IAG Identification Number	4. Funding Location by Region
<b>EPA</b> Interagency Agreement/ Amendment Part 1 - General Information		2. Other Agency IAG ID Number (if known)	5. Program Office Abbreviation
		3. Type of Action New Agreement	HWMD
		7. Name and Address of Other Agency <del>United States Department of Interior (DOI)</del> <del>Office of the Secretary</del> <del>P.O. Box 649 19th and Central</del> <del>Albuquerque, New Mexico 87103</del>	
6. Name and Address of EPA Organization Hazardous Waste Management Division 75 Hawthorne Street San Francisco, CA 94105		SEE ATTACH	
8. Project Title Emergency Response Action at the Bluewater Uranium Mine Sites, Prewitt, New Mexico			
9. EPA Project Officer (Name, Address, Telephone Number) Robert E. Bornstein, OSC Emergency Response Section H-8-3 75 Hawthorne Street San Francisco, CA 94105 FTS 484-2298		10. Other Agency Project Officer (Name, Address, Telephone Number) <del>NATHAN T. GIBSON</del> <del>Environmental Affairs</del> <del>United States Department of Interior - OEA</del> <del>Office of the Secretary</del> <del>P.O. Box 649 WASH D.C.</del> <del>Albuquerque, New Mexico 87103 FTS 484-3555</del>	
11. Project Period July 15 - Aug 15		12. Budget Period Fourth Quarter, FY 91	
13. Scope of Work (Attach additional sheets, as needed) <p>Pursuant to Section 120 of CERCLA, the National Contingency Plan and Executive Order 12580, the United States Department of Interior (USDI), designated AS a Federal Trustee, <del>designated</del> <sup>AS a</sup> the United States Environmental Protection Agency (EPA), <del>and</del> <sup>AS a</sup> its contractors, <del>agree to</del> <sup>will work together</sup> to perform site stabilization activities to reduce the immediate radiological hazards on the Indian Allotted lands occupying Sections 18 and 24, Township 13N, Range 10W (the Brown-Vandever-Nanabah Sites) and Section 26, Township 13N, Range 11W (the Desiderio Site) of the Bluewater Quadrangle.</p> <p>EPA will perform the following services as outlined in Attachment 1, which also provides an estimate of anticipated costs.</p> <p>USDI agrees to reimburse EPA for <del>extraneous</del> <sup>certain</sup> expenditures <del>(cost associated with site activities) incurred on USDI trust property</del> (See Item 28 - Special Conditions) <del>in addressing ASDR advisory.</del></p> <p>USDI AND EPA ADMIT NO LIABILITY FOR THESE SITES.            Site ID number is W3</p>			
14. Statutory Authority for Both Transfer of Funds and Project Activities Executive Order 12580, CERCLA, NCP, Economy Act of 1932, as amended			15. Other Agency Type Federal
Funds	Previous Amount	Amount This Action	Amended Total
16. EPA Amount	TO BE DETERMINED AT COMPLETION OF PROJECT		
17. EPA In-Kind Amount			
18. Other Agency Amount			
19. Other Agency In-Kind Amount			
20. Total Project Cost			
21. Fiscal Information			
Program Element	FY	Appropriation	Doc. Control No.
			Account Number
			Object Class
			Obligation/Deobligation Amt.

DOI/EPA TAG.

INSERT

# 7 DEPARTMENT OF THE INTERIOR  
ASSISTANT SECRETARY P.M.B.  
MAIL STOP 6214 (HIB)  
1849 CT S.W.  
WASHINGTON, D.C. 20240  
Insert Management

# 10

JONATHAN P. DEASON, DIRECTOR OEA  
DEPARTMENT OF THE INTERIOR  
1849 CT S.W.  
WASHINGTON, D.C. 20240  
FVS 268-3891

Part II - Approved Budget		EPA IAG Identification Number
22. Budget Categories	Itemization of This Action	Itemization of Total Project Estimated Cost to Date
(a) Personnel	\$	\$
(b) Fringe Benefits	SEE ATTACHMENT 1 FOR COST ESTIMATION	
(c) Travel		
(d) Equipment		
(e) Supplies		
(f) Procurement/Assistance		
(g) Construction		
(h) Other		
(i) Total Direct Charges	\$	\$
(j) Indirect Costs: Rate % Base \$		
(k) Total		
(EPA Share % (Other Agency Share 100 %)	\$	\$
23. Is equipment authorized to be furnished by EPA or leased, purchased, or rented with EPA funds? (Identify all equipment costing \$1,000 or more)		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
24. Are any of these funds being used on extramural agreements? (See item 22)		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Type of Extramural Agreement <input type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input checked="" type="checkbox"/> Procurement (Includes Small Purchase Order)		
Contractor/Recipient Name (if known)	Total Extramural Amount Under This Project	Percent Funded by EPA (if known)
Laguna Construction P.O. Box 194 Laguna, NM 87026 505-242-0506		
Part III - Funding Methods and Billing Instructions		
25. <input type="checkbox"/> Funds-Out Agreement (Note: EPA Agency Location Code (ALC) - 68010727)		
<input type="checkbox"/> Disbursement Agreement		
<input type="checkbox"/> Repayment	Request for repayment of actual costs must be itemized on SF 1081 or SF 1080 and submitted to the Financial Management Center, EPA, Cincinnati, OH 45268:	
<input type="checkbox"/> Monthly	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Upon Completion of Work
<input type="checkbox"/> Advance	Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Center, EPA, Cincinnati, OH 45268.	
<input type="checkbox"/> Allocation Transfer-Out	Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of the Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Headquarters. Forward appropriate reports to the Financial Reports and Analysis Branch, Financial Management Division, PM-226F, EPA, Washington, DC 20460.	
26. <input checked="" type="checkbox"/> Funds-In Agreement <input checked="" type="checkbox"/> Repayment		
<input type="checkbox"/> Reimbursement Agreement	<input type="checkbox"/> Advance	
<input type="checkbox"/> Allocation Transfer-In		
Other Agency's IAG Identification Number	EPA Program Office Allowance Holder/Responsibility Center Number	
Other Agency's Billing Address (Include Agency Location Code or Station Symbol Number)	Other Agency's Billing Instructions and Frequency	
<del>Wash. D.C.</del> <del>P.O. Box 649</del> <del>Attn: [unclear]</del> <del>Washington, D.C. 20460</del>		

(INSERT) TO BE DETERMINED  
LATER.

Part IV - Acceptance Conditions		EPA IAG Identification Number
<b>27. General Conditions</b> The other agency covenants and agrees that it will expeditiously initiate and complete the project for which funds have been awarded under this agreement.		
<b>28. Special Conditions (Attach additional sheets if needed)</b>  This agreement may be terminated by either Agency upon 30 days advance written notice, <del>prior to site mobilization.</del>  Any requirements for payment or obligation of funds, by the USDI established by the terms of this agreement shall be subject to the availability of appropriated funds, and no provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. Section 1341. <del>In cases where payment or obligation of funds would constitute a violation of the Anti-Deficiency Act, the dates established requiring the payment or obligation of such funds shall be appropriately adjusted.</del> <span style="float: right;">Date</span>		
The USDI agrees to reimburse EPA for extramural costs. EPA will submit to the USDI a demand for reimbursement of EPA's costs associated with site response activities incurred on <del>USDI Trust Property</del> <u>Human Altered Land</u> (Cont. Attachment 2)		
<b>Part V - Offer and Acceptance</b>		
<b>Note: 1)</b> For Funds-out actions, the agreement/amendment must be signed by the other agency official in duplicate and one original returned to the Grants Administration Division for Headquarters agreements or to the appropriate EPA Regional IAG administration office within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. The agreement/amendment must be forwarded to the address cited in item 29 after acceptance signature.  Receipt of a written refusal or failure to return the properly executed document within the prescribed time may result in the withdrawal of the offer by EPA. Any change to the agreement/amendment by the other agency subsequent to the document being signed by the EPA Action Official, which the Action Official determines to materially alter the agreement/amendment, shall void the agreement/amendment.		
<b>2)</b> For Funds-in actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IAG administration office for acceptance signature on behalf of the EPA. One original copy will be returned to the other agency after acceptance.		
EPA IAG Administration Office (for administrative assistance)	EPA Program Office (for technical assistance)	
<b>29. Organization/Address</b>  Office of Policy and Management, GMS EPA Region IX (P-2-2) 75 Hawthorne Street San Francisco, CA 94105	<b>30. Organization/Address</b>  Hazardous Waste Management Division EPA Region IX (H-8-3) 75 Hawthorne Street San Francisco, CA 94105	
<b>Certification</b> All signers certify that the statements made on this form and all attachments thereto are true, accurate, and complete. Signers acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		
<b>Decision Official on Behalf of the Environmental Protection Agency Program Office</b>		
<b>31. Signature</b>	Typed Name and Title Jerry Clifford, Deputy Director HWMD	Date
<b>Action Official on Behalf of the Environmental Protection Agency</b>		
<b>32. Signature</b>	Typed Name and Title Jeff Zelikson, Director, HWMD	Date
<b>Authorizing Official on Behalf of the Other Agency</b>		
<b>33. Signature</b>	Typed Name and Title	Date

**ATTACHMENT 1  
INTERAGENCY AGREEMENT**

The Environmental Protection Agency's Emergency Response Section will provide the following services to the United States Department of Interior on the following Indian Allotted lands:  
Brown-Vanadaver-Nanabah Mine sites  
Desiderio Mine site

Pursuant to Section 300.415 of the National Contingency Plan, EPA will conduct a site stabilization actions at both sites to reduce the immediate radiological hazards resulting from previous mining activities.

To accomplish this task, EPA plans to conduct the following actions:

**TASKS TO BE PERFORMED ON ALLOTTED LANDS**

- 1) EPA will conduct an extensive ground gamma survey at both sites to delineate and define "radiological hot spots". These spots will have an average gamma radiation reading greater than or equal to 300 uR/hr.
- 2) Areas with frequent public and grazing use that are determined to be "hot spots" will be backfilled and covered by an earth cover to reduce the gamma emissions to below 57 uR/hr above background and the radon gas emissions to below 3 pCi/l. EPA will also hydroseed the treated zones at a future date.
- 3) For areas with limited public use, EPA will post signs warning of radiological hazards in English, Spanish and Navajo.
- 4) EPA will fill, seal and cap mine adits, inclines and ventilation shafts to reduce radon gas emissions.
- 5) EPA will provide biweekly progress reports in the form of Pollution Reports (POLREPS) to the USDI Project Officer. At the completion of the project, EPA will provide the USDI with a copy of the OSC report. EPA will also submit to the USDI a detailed report of incurred costs on Indian Allotted lands.

**ATTACHMENT 2**  
**INTERAGENCY AGREEMENT**

(Item 28 Continued)

The EPA, as the Agency providing the Federal On-Scene-Coordinator, shall provide a report which summarizes the EPA activities at the Site upon completion.

The amount EPA will request for reimbursement will be prorated based on the amount of acreage covered, mine shafts sealed, and signs utilized on ~~USDA~~ property in proportion to the total amount EPA incurs. Indian Annotated Lands

\* A breakdown of charges is not currently available, however, it will be provided prior to EPA's request for reimbursement.

The demand will be made in the form of a letter and will be accompanied by Removal Cost Management System documentation that will serve as the accounting of EPA's expenditures. Payment shall be made by check payable to the United States Treasury and addressed to:

United States Environmental Protection Agency  
Financial Management Section  
26 West Martin Luther King Drive  
Cincinnati, Ohio 45268

Include on the check the IAG number. Please send copies of the check and cover letter to:

Robert Bornstein, On-Scene-Coordinator  
Mail Code H-8-3  
USEPA-ERS  
75 Hawthorne Street  
San Francisco, CA 94105

The EPA will assure that the tasks to be performed on the DOE and private lands located adjacent to the Brown-Varadero-Nanabah Mine site will be completed ~~on~~ ~~at the same time~~ on the same schedule as those on Indian Allotted lands.

THIS IAG IS IN NO WAY TO BE VIEWED AS A MODEL/PRECEDENT FOR REIMBURSEMENT OF RESPONSE ACTIONS ON INDIAN ALLOTTED LANDS.